

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Kristian Pedersen,	)	
Russell Mullen,	)	
Jennifer Alves,	)	
Plaintiffs,	)	
	)	
v.	)	No. 1:10-V-11804-GAO
	)	
Roto-Rooter Services Company,	)	
Roto-Rooter Group, Inc.,	)	
Chemed Corporation,	)	
NUROTOCO OF	)	
MASSACHUSETTS, INC.	)	
Defendants.	)	

**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)**

**PLEASE TAKE NOTICE** that Plaintiff Kristian Pedersen, Plaintiff Russell Mullen, and Plaintiff Jennifer Alves, (“Plaintiffs”), pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismiss all claims in this action *without prejudice* as to Defendant Roto-Rooter Services Company, Defendant Roto-Rooter Group, Inc., Defendant Chemed Corporation, and Defendant Nurotoco of Massachusetts, Inc.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.

Defendants have neither answered Plaintiff's Complaint, nor filed a motion for summary judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of the Court.

Respectfully submitted,

For the Plaintiffs,  
By their Attorneys,

/s/ Lisa S. Carlson  
Lisa S. Carlson  
BBO # 668824  
lisa@massbaylaw.com

/s/ Lisa M. Holland  
Lisa M. Holland  
BBO # 673109  
207 Bedford Street, Suite 11  
Lakeville, MA 02347  
Lholland@massbaylaw.com  
(888) 333-5133

Date: January 27, 2011

### CERTIFICATE OF SERVICE

I, Lisa S. Carlson, an attorney, certify that on January 27, 2011, I served the above and foregoing ***Plaintiff's Notice of Voluntary Dismissal Without Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)***, by causing true and accurate copies of such paper to be filed and transmitted to the persons shown below via the Court's CM/ECF electronic filing system, on this the 27th day of January 2011.

Scott T. Buckley  
Weltman Law Group  
200 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110  
sbuckley@weltmanlaw.com  
/s/ Lisa S. Carlson  
Lisa S. Carlson